

MINUTES
Town of Blowing Rock
Board of Commissioners
Regular Meeting-November 15, 2011

The Town of Blowing Rock Board of Commissioners met in regular session on Tuesday, November 15, 2011 at 5:00 p.m. The meeting took place in the Town Council Chambers at Town Hall located at 1036 Main Street, Blowing Rock. Present were Mayor J.B. Lawrence, Commissioners Albert Yount, Phillip Pickett, Tommy Klutz, Doug Matheson, and Jim Steele. Others in attendance were Town Manager Scott Hildebran, Town Attorney Allen Moseley, Town Engineer Doug Chapman, Planning Director Kevin Rothrock, Public Works Director Mike Wilcox, Police Chief Eric Brown, Building Inspector Jesse Horner, Finance Director Nicole Norman, Parks & Recreation Director Jennifer Brown, Emergency Services Director Kent Graham, and Town Clerk Sharon Greene.

CALL TO ORDER

Mayor Lawrence called the meeting to order at 5:00 p.m. and welcomed everyone.

APPROVAL OF MINUTES

Commissioner Steele made a motion to approve the minutes for meetings held on October 11 and 13, 2011 as written. The motion received a second for Commissioner Klutz. Unanimously approved.

The agenda order was changed to allow the Speakers from the Floor portion of the meeting to begin first.

SPEAKERS FROM THE FLOOR

Ms. Ann Rhyne of 148 Globe Road came before Council to speak regarding noise from the HVAC units at BRAHM. Ms. Rhyne began by thanking Mr. John Calvin for his efforts in developing a plan to help remedy the noise problem. She also thanked the Town and BRAHM for the efforts that had been made to help alleviate some of the noise. Ms. Rhyne went on to explain the improvements that had been completed thus far, but stated that sound attenuation blankets had been ordered but were not yet installed. Ms. Rhyne stated that she wouldn't know if the noise had improved further until they were installed. Ms. Rhyne urged Council not to let this issue be dropped until she and other neighboring property owners could rest comfortably at night without being disturbed by the brightness of the lights on the parking deck and noise from the BRAHM HVAC units.

Ms. Rhyne also mentioned that her tenant, Ms. Meleah Mauldin was unable to attend the meeting but had sent an email to share with Council. Ms. Rhyne then read Ms. Mauldin's email correspondence stating the noise had been improved upon; however it would still be difficult to sleep at night if the windows were open. According to the email, Ms. Mauldin invited a decibel reading to be taken from inside her home. In closing, Ms. Rhyne thanked Council for their consideration.

Mr. Wellborn Alexander, a representative of BRAHM began by stating that Mr. & Mrs. Rhyne had purchased their home in 1998. At that time the property was zoned Office/Institutional (O/I) with no guarantee the surrounding property would remain wooded as it was then. He also stated that during the 5-year planning process for the museum and parking deck, Mr. John Calvin had spoken to the Rhyne's regarding the addition they were planning to their home and future plans for the property where the museum and parking deck are now located.

Mr. Wellborn continued by stating that BRAHM and the Town had tried to accommodate the adjoining property owners with any issues that had occurred during the construction of the museum and parking deck. He advised that Mr. and Ms. Rhyne and Ms. Linda High had asked if trees located on their property could be removed while the BRAHM property was being cleared. Mr. Alexander advised that BRAHM had not billed Mr. & Ms. Rhyne or Ms. High for this service. Mr. Alexander went on to say that he did not feel the Town or BRAHM were under any legal obligation to do anything further.

Ms. Linda High, owner of the Springhaven Inn also spoke regarding the noise from the HVAC units at BRAHM. She agreed that the noise problem had improved, but the noise was still too loud to sleep if the windows were open in the bedrooms closest to the museum. Ms. High thanked Council for allowing her to be heard.

Planning Director Kevin Rothrock updated Council regarding this issue. He advised that another set of sound attenuation blankets were to be installed as soon as they arrived. He also mentioned that a decibel reading had not been taken since the fencing around the units across from the Springhaven Inn had been installed and staff planned to get that reading and a decibel reading from inside Ms. Rhyne's rental home as well as the Springhaven Inn.

Mayor Lawrence inquired if all conditions of the conditional use permit had been met. Planning Director Rothrock said there were some lighting issues on the parking deck that needed to be dealt with. He also mentioned that some of the lights that weren't needed had been cut off or blacked out. According to Mr. Rothrock, the deck had been designed to meet building code regulations; however, additional lights had been installed for safety purposes.

Commissioner Klutz asked Planning Director Rothrock if there was anything else that could be done to eliminate the noise. Mr. Rothrock stated he did not think so. He also explained that the Town Code did not require decibel readings as a way of tracking noise complaints. Town Manager Hildebran also responded that the UNC School of Government (at the time the Town Noise Ordinance was revised) did not recommend that decibel readings be used as a benchmark for regulating noise because it would be hard to get a true reading due to the wind and other natural factors.

Mr. Ron Funk of Boone Construction also addressed the noise issue. He attested that Boone Construction and BRAHM had tried to accommodate any problems or complaints

that had occurred during the construction process. He advised that Trane Service Technicians had been hired to inspect the HVAC units at a cost of \$880.00 and during the inspection it was confirmed that everything had been installed correctly and was functioning as it should. Mr. Funk felt that all resources had been exhausted in trying to accommodate the noise complaints.

Mayor Lawrence responded that Council was not obligated to take action on this matter at this time. Commissioner Steele commented that he would like to see the sound attenuation blankets installed and decibel readings obtained before anything was decided upon.

BRAHM Business Manager Mr. David Harwood commented that he had reviewed the Town Code and this matter was inappropriate for Council to address. He felt the code provided noise complaints first go to the Police Department and a violation be given and if the violator wanted to appeal they could then go before Council.

Ms. Karyn Herterich of 1930 Main Street also remarked that when she and her husband purchased their home beside what was then The Farm House Restaurant, they were aware there would be noise generated. She stated that anyone that purchased a home near the downtown area would have to deal with some type of noise from time to time. She also felt that Council had more pressing issues to attend to.

Commissioner Klutz questioned why some of the lights on the parking deck were turned off and blacked out if the deck was built to code. Building Inspector Jesse Horner responded that the code had been exceeded for safety purposes but to eliminate glare and conserve energy, some of the lights had been turned off. Commissioner Klutz questioned the cost of adding additional lighting.

Mr. Funk responded that the design cost for the deck had not been paid by the Town but rather the Town had paid for the construction of the parking deck and it had been approved by Council.

PUBLIC HEARING

1. Amendments to Land Use Ordinance – Reformatting (Ordinance #2011-18)

Planning Director Rothrock presented draft Ordinance #2011-18 that reformatted Articles 1, 2, 3, 4, 5, 7, 9, 10 and 11. He advised that during the reformatting process, some amendments were also necessary. During their October meeting, the Planning Board unanimously recommended the changes.

Mr. Rothrock also commented that Use Category 2.200 had been removed from the Table of Permissible Uses due to redundancy.

According to Mr. Rothrock, the Planning Board would be reviewing the final group of formatting amendments during their November meeting and Council would possibly receive the reviewed documents in early 2012.

Commissioner Steele asked Mr. Rothrock to clarify several items in the draft ordinance. He also suggested a reference be added at the beginning of Chapter 16 Table of Permissible Uses to help the public have a better understanding of the codes used in the table.

Commissioner Yount commended Town Staff on the job they did on this item; he then made a motion to close the public hearing. The motion was seconded by Commissioner Pickett. Unanimously approved.

A motion was made by Commissioner Yount for approval of Amendments to the Land Use Ordinance – Reformatting Ordinance #2011-18 as written, seconded by Commissioner Steele. Unanimously approved. **Amendments to the Land Use Ordinance – Reformatting Ordinance #2011-18 – Exhibit A**

NEW BUSINESS

1. Watauga County Comprehensive Transportation Plan

Mr. Craig Hughes, Transportation Planner with the High Country Council of Governments, provided Council with an update on the Watauga County Comprehensive Transportation Plan (CTP). He also requested approval of the goals and objectives along with the projected employment and population growth rates for the County to use in developing the plan. According to Mr. Hughes, NCDOT was requesting that all local governments in Watauga County approve these items and by identifying the deficiencies in the transportation system, recommendations for improvements would be developed.

Mr. Hughes mentioned that Commissioner Steele and Planning Director Rothrock both served on the Watauga County Comprehensive Transportation Plan Steering Committee and that many hours had been spent on this project.

Commissioner Steele inquired what the next step in the process would be. Mr. Hughes responded that the traffic and growth data would be used to identify the deficiencies.

Commissioner Matheson, seconded by Commissioner Pickett, made a motion to approve the goals and objectives along with the growth rates for the County in order to develop the Watauga County Comprehensive Plan. Unanimously approved. **Watauga County Comprehensive Transportation Plan – Exhibit B**

2. Chamber of Commerce – 2012 Blue Ridge Wine Festival

Chamber of Commerce Board Member Chelsea Garrett presented a request from the Blowing Rock Chamber of Commerce Executive Director Charles Hardin for approval of the dates of April 11-15 for the 2012 Blue Ridge Wine Festival to Council for their consideration. Also, included in the request was the use of Maple Street Parking Lot for the Grand Wine Tasting Ceremony from Wednesday, April 11th through mid-Monday, April 16th as well as use of the Ice House for storage and ticket sales from Monday, April 2nd through Tuesday, April 17th.

Ms. Garrett commented after reviewing other potential locations, the Maple Street Parking Lot was the most feasible place to hold the event because it was downtown and better attended at that location. She stated the Chamber of Commerce had received bids to install tent anchors to better promote public safety as well as protect the newly paved parking lot.

Mr. Hardin then presented a power point presentation showing a process for tent anchor installation.

Ms. Garrett also advised that the Chamber of Commerce would like to reach a long-term agreement with the Town for use of this area during the dates of the Wine Festival in order to recoup some of the \$20,000 estimated cost for the anchor installation.

Commissioner Matheson suggested the Chamber think about getting cover plates for the anchor areas to help prevent corrosion.

Commissioner Steele inquired if there were other options instead of installing the anchors. Mr. Hardin stated the other option was to put stakes in the pavement and remove them each year as they had done in the past, potentially causing damage to the surface of the lot.

Commissioner Klutz also stressed the need for cover plates for the anchor areas to prevent a trip hazard.

Commissioner Pickett commented that this event brought business to the downtown area and was an asset to the Town.

After further discussion regarding the anchors, Ms. Garrett stated that time was of the essence for installation of the anchors due to the weather getting colder and the ground freezing.

Town Manager Hildebran mentioned that Council may wish to review compensation for use of the Maple Street Parking Lot since they would have use of the lot for at least a week. He also advised there might be code issues with the Ice House since it had not been used for some time.

Ms. Garrett stated that the Chamber of Commerce would like to work out the details of the agreement before the December Council meeting if possible. She also voiced the Chamber desired a 10-year agreement.

Commissioner Klutz and Matheson voiced their preference of a 5-year agreement. Town Manager Hildebran emphasized that Council would not be approving the lease agreement during this meeting, only the dates for the event and use of the lot for the event.

Commissioner Klutz asked Building Inspector Horner if the Ice House was up to code. Mr. Horner stated if the use was similar to what the Blowing Rock Stage Company was using it for it should be up to code; however he would review the building as necessary.

Commissioner Yount made a motion to approve the requested dates for the Wine Festival Event, use of the Maple Street Parking Lot and the Ice House. The motion was seconded by Commissioner Pickett. Commissioner Klutz remarked that he would like for the Chamber to look into cover plates, and Commissioner Steele suggested that Mr. Rothrock call and get references for the company that would be installing the anchors.

Mr. Hardin explained the anchor system was designed to keep water from seeping under the parking lot, freezing in cold weather and potentially causing damage to the pavement.

Mayor Lawrence stated the use agreement details could be worked out at a later date. He suggested the bullet points referenced in Mr. Hardin's cover letter be the point of reference for the motion.

Commissioner Yount withdrew his motion and Commissioner Pickett withdrew his second to the motion.

Commissioner Yount made another motion to comply with the four (4) bullet points referenced in Mr. Hardin's letter and for the motion to include the use of the Ice House, Maple Street Parking Lot, and a Lease Agreement be worked out to the satisfaction of the Town and the Chamber of Commerce at a later date. Commissioner Pickett seconded the motion. Unanimously approved. **Blowing Rock Chamber of Commerce Executive Director Cover Letter – Exhibit C**

Ms. Garrett stated the Chamber of Commerce would continue to work with the Town regarding the details of the lease agreement for the Maple Street Parking Lot and anchor cover issues. Mayor Lawrence advised that Council would be having a special meeting the following Monday if the Chamber could be prepared by then.

3. Land Exchange – Public Works Facility (Resolution #2011-11)

Town Manager Hildebran presented Resolution #2011-11 for Council's consideration. He acknowledged that the Town had recently acquired two (2) tracts (Parcel A – 0.250 acres and Parcel B – 0.373 acres) of property from Triple Tree Development, LLC which were portions of lots 5 and 6 of The Creeks at Mayview Subdivision. The Town wished to exchange a portion of the shop property in addition to Parcel B of the Triple Tree acquisition with the Blowing Rock Charity Horse Show for property to the east and west of the shop property for expansion. The exchange of property would provide sufficient land around the Town shop to expand employee parking, construct a through road to the lower horse show property, construct a new salt bin, construct an equipment shelter, and replace the older shop building with a new structure.

Mr. Hildebran also thanked Planning Director Rothrock as well as the Town Engineer for their hard work on this issue.

Commissioner Pickett made a motion for approval of Resolution #2011-11 authorizing the land exchange. The motion received a second from Commissioner Matheson. Unanimously approved. **Land Exchange – Public Works Facility (Resolution #2011-11) – Exhibit D**

4. Budget Amendment (Ordinance #2011-19)

Town Manager Hildebran presented Budget Amendment Ordinance #2011-19 for the fiscal year 2011-2012 to Council for consideration.

Mr. Hildebran explained that Section 1 (General Fund) allocated safety grant funds of \$1,000 received from the NC League of Municipalities towards the purchase of an Automatic External Defibrillator (AED) to be placed in the Police Department. He further explained, this section also transferred grant funds in the amount of \$2,700 awarded to the Police Department by the Community Foundation for the purchase of a portable Radar Box to the General Capital Reserve Fund.

Section 2 (General Capital Fund) was to close out Capital Project budget amounts for the American Legion Parking Facility Loan as well as the Video Surveillance Reserve. Both projects were completed and booked in the Town's audit. This section would also complete the transfer of grant funds in the amount of \$2,700 awarded to the Police Department by the Community Foundation for the purchase of a portable Radar Box to the General Capital Reserve Fund.

A motion was made by Commissioner Pickett, seconded by Commissioner Klutz for approval of Budget Amendment Ordinance #2011-19 as presented. Unanimously approved. **Budget Amendment Ordinance (Ordinance #2011-19) – Exhibit E**

DEPARTMENTAL REPORTS

Town Manager Hildebran reminded everyone of the special meeting to be held on Monday, November 21, 2011 at 4:00 p.m. and wished everyone a Happy Thanksgiving holiday.

ADJOURN

With no further business to discuss, the meeting was adjourned at 6:50 p.m.

MAYOR _____
J.B. Lawrence

ATTEST _____
Sharon Greene, Town Clerk

ATTACHMENTS (11-15-11)

Amendments to the Land Use Ord. – Reformatting Ordinance #2011-18 – Exhibit A

Watauga County Comprehensive Transportation Plan – Exhibit B

Blowing Rock Chamber of Commerce Executive Director Cover Letter – Exhibit C

Land Exchange – Public Works Facility (Resolution #2011-11) – Exhibit D

Budget Amendment Ordinance (Ordinance #2011-19) – Exhibit E